

# Notice of Allowability

Application No.

10/765,427

Examiner

Ramsey Zacharia

Applicant(s)

LAFAVE ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 02 May 2006.
2. ☒ The allowed claim(s) is/are 28-30,32-39,74-76,79-93,125-127 and 129-137.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060713.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Preston H. Smirman on 13 July 2006.

The application has been amended as follows:

claims 1-3, 5-17, 19-27, 40-42, 44-52, 54, 56, 57, 59-63, 65-73, 94-96, 98-104, 106-112, 114-124, and 138-148 have been canceled,

in claim 28, the phrase --, and wherein the polymeric substrate is comprised of a material selected from the group consisting of a thermoplastic polyolefin, ABS, and combinations thereof-- has been added after the phrase "thermoforming process" on the last line of the claim,

in claim 74, the phrase --, and wherein the polymeric substrate is comprised of a material selected from the group consisting of a thermoplastic polyolefin, ABS, and combinations thereof-- has been added after the term "substrate" on the last line of the claim,

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in claim 87, the phrase --, and wherein the polymeric substrate is comprised of a material selected from the group consisting of a thermoplastic polyolefin, ABS, and combinations thereof-- has been added after the phrase "thermoforming process" on the last line of the claim, and

in claim 125, the phrase --, and wherein the polymeric substrate is comprised of a material selected from the group consisting of a thermoplastic polyolefin, ABS, and combinations thereof-- has been added after the phrase "thermoforming process" on the last line of the claim.

2. The following is an examiner's statement of reasons for allowance.

The invention as claimed is directed to a thermoformed laminate and thermoforming method of making the laminate. The laminate comprises, in order, a polymeric support film comprised of a material having a tensile strength of greater than 0.5 pli at 300 °F, a release layer, and a translucent or opaque polymeric substrate comprising a thermoplastic polyolefin, ABS, or combinations thereof. The release layer is releasably adhered to the polymeric substrate and operable to be peeled away from the polymeric substrate.

Haigh (US 4,059,471) represents the closest prior art. Haigh teaches a laminate comprising an inert dye carrier, a dye receptor, and a base material layer (Figure 1 and column 2, lines 28-52). The dye carrier may be formed from a Tedlar<sup>®</sup> film having a thickness of 0.1 to 4.0 to 10.0 mils or more (column 4, lines 8-54). A Tedlar<sup>®</sup> film having a thickness of 0.1 to 4.0 to 10.0 mils or more should inherently possess the same tensile strength as the support film of the instant invention (see paragraphs 00237 and 00238 of page 41 of the instant specification). The

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dye receptor and base material layers may be formed of an ABS plastic (column 5, lines 1-6 and Table 1 in column 6). The laminate may be subjected to a thermoforming operation after which the dye carrier layer is removed from the dye receptor and base material layers (Figures 5-6 and column 9, line 64-column 10, line 11). However, Haigh does not teach or fairly suggest the presence of a release layer disposed between their dye carrier and dye receptor layers.

Moreover, there is no motivation to add such a release layer for at least the reasons: (a) the inert dye carrier is already designed to be releasable from the dye receptor and (b) the invention is directed to the transfer of dye from the carrier layer to the receptor layer and the introduction of a layer between the dye carrier and dye receptor layers would interfere with the transfer of dye.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached at (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Ramsey Zacharia**  
**Primary Examiner**  
**Tech Center 1700**